

Estonia

Date: 19. October 2005
Location: Institute of Law, University of Tartu, Kaarli pst 3, Tallinn
Organised by: Prof. Heiki Pisuke (Estonian national correspondent) and IPR Verlag GmbH

Number of experts invited: 13

Number of experts present: 9

1. Experts present

- Mr. Carri Ginter - University of Tartu, Institute of Law; *Lecturer*, LO Sorainen; *Sworn advocate*
- Ms. Anne Kalvi - University of Tartu; *Lecturer*
- Ms. Kai Kullerkupp - Ministry of Justice; *Judge*
- Ms. Kaisa Parkel - Ministry of Justice; *Counsel*
- Prof. Heiki Pisuke - University of Tartu, Institute of Law; *Professor, Head of the Department of Private Law*
- Ms. Birtit Punison - LB Straus&Partners; *Advocate*
- Ms. Karin Sein - University of Tartu, Institute of Law; *Lecturer*
- Ms. Elo Tamm - LO Lepik and Luhaäär; *Advocate*
- Ms. Viktoria Tuulas - Ministry of Foreign Affairs; *Consul*

Present on behalf of the project was: Ms. Sibylle Calabresi-Scholz.
Prof. Pisuke presided the meeting.

Kai Härmand (Tallin city court; judge), Karin Rammo (ministry of justice, counsel), Rolan Jankelevich (advocate) and Ilona Nurmela expressed their interest but could not participate at the meeting as they were abroad or had time constraints.

2. Agenda

1. Opening by Prof. Pisuke
2. Introductions of all participants
3. Presentation of the project by Ms. Sibylle Calabresi-Scholz
4. Discussion
5. Closing
6. Lunch – continuation of the discussion

3. Report on the meeting

Following the opening speech by Prof. Pisuke, the participants introduced themselves stating their profession, relationship to private international law, membership of relevant societies and the experience in cross-border international research projects:

Memberships of existing networks among the participants include:

- Scanbalt (Pisuke)
- European young bar association (Ginter)
- Working group on a European civil code (Kullerkupp)
- Central European law offices (Tamm)
- E.L.S.A. (Punison)
- Moot court organisation (Punison)

Following the introduction of the participants, Ms. Calabresi-Scholz presented the project and opened the discussion. The participants expressed their general interest in the project and welcomed that the Estonian experts in the field had the opportunity to meet each other for the first time on the occasion of this expert meeting.

3.1. Objectives of the Network

The participants defined the general objectives that they would like to see form the basis of the network as follows:

- Firstly, the network should define, on a European level, the basic notions used in the field and the notions of “private international law” itself.
- The Network should participate in the discussion by introducing the legislative process on a European level. The participants expressed their interest in being included in the discussion already before the publishing of a green paper and also of receiving information on what is going on at a very early stage.
- The participants further stated that an important objective of the network should be the facilitation of direct contact between national experts and thereby provide for a “who is who”.
- Last but not least, a very important objective of the network would be to ensure that the national experts receive all relevant information at European and national level. The need of being fully informed at an early stage in the process on what is going on was one of the major concerns of the participants.

3.2. Database of information

Many participants stated that the most important activity of the network should be to bring assimilate all the existing and relevant information in the field. The participants agreed that the most appropriate form would be a publicly accessible database. It should be created in the form of a forum providing information on legislation, judgments, relevant publications, experts active in the field and further juridical information.

This forum should be as transparent and complete as possible in order to facilitate its use. The mere duplication of the information should be avoided in order not to create confusion. Therefore links to the existing website should be introduced instead of repeating the same information. Some participants suggested that the website should inform the reader about all existing projects in the field (like the Hague Conferences, the civil code project, etc.); on all existing organisations (not only EU-organisations) active in the field; all national relevant legislation including a translation at least in English; information regarding also non-European countries such as the US, Latin America or Japan; tax info; addresses of national experts; information on other relevant websites and projects such as for example www.eurocivil.info; conferences in the field and other practical information.

It was suggested to include this website in the existing websites of the European Commission in order to increase its credibility and use through the public. The idea arose if the network could not possibly provide services such as the creation of such a complete internet-forum for the European Commission.

3.3. Contacts between national experts

The need for information exchange and international contact was stressed during the discussion. The participants showed a high interest in the organisation of conferences in order to increase the information flow on a European level. Such conferences would enable the direct contact between national experts. The identification of experts from other jurisdictions would enable the experts to contact their colleagues for example when questions regarding another jurisdiction come up during their research work. The establishment of personal contacts would facilitate the submission of such questions to colleagues from other jurisdictions.

It was proposed that *inter alia* new legislation in the area could be commented and discussed on the occasion of such conferences.

3.4. Newsletter

Many participants stressed that information on ongoing research and new legislation should be exchanged between the experts on a regular basis. The internet was proposed as the ideal medium as it is the least cost intensive alternative. In order not to lead to an email overflow, the form of a newsletter published once a month was suggested.

Especially the lawyers among the participants welcomed the idea of an electronic newsletter as this form of information would respond to their time constraints. Such a newsletter could be saved and read when time permitting.

3.5. Moot court competition

Another aspect discussed was the need to ensure the interest of students in the field. The idea was brought up that a moot court competition on private international law would be organised through the network. This would on the one hand promote the discipline of private international law among the younger generation and on the other hand be a good publicity for the network itself.

It was stated that the budget needed for such a moot court competition would be relatively low as it would concern in particular only the travel costs of judges and students. It was suggested to raise sponsorship to cover these costs. It was stressed that the personal commitment of the members of the network needed would be relatively low as the bulk of the work could be organised by the students themselves.

3.6. Internet forum: Questions/Answers

The participants discussed the idea of providing an internet forum where questions concerning private international law could be raised and answers through the experts provided. However, some participants expressed their concern that the experts would be generally too busy to answer these questions. However, it was suggested, that if the European Commission would provide for such an internet forum on its website, the participants of the network could provide answers to the submitted questions in the role of a service provider for the European Commission itself.

3.7. The form of the network

The participants did not express a clear priority for a certain form which the network should take. The following ideas concerning special aspects were stated:

In each Member State the best experts in the field should participate to the network in order to guarantee a high standard of quality.

In each Member State more than one expert should participate to the network.

Some participants expressed the idea that the network would provide credibility and the greater interest for national experts and practitioners if linked to a national university or institution. The link to existing institutions would guarantee a high level of expertise. The opinion

has been expressed that the experts would in general prefer to participate in a network linked to institutions rather than to an association of legal professions.

Although the membership to the network should be as open as possible, the idea was expressed that in each country one institution should be linked to the network and should take the lead in this country. The reason for this suggestion was to guarantee a high standard of quality.

3.8. Final conclusions

In general, the participants expressed a high level of interest. This was already evident through the fact that nearly all experts active in Estonia participated at the expert meeting and those who did not, were hindered by external constraints. The participants expressed their willingness to participate in general in the network. According to their heavy work load, they conditioned their collaboration within the network however on the fact that the network should also meet their needs for example through providing the necessary information from other Member States.

Estonia, October 2005

Sibylle Calabresi-Scholz